IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7796 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NAVYUVAK PRAGATI MANDAL SANCHALIT

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7796 of 2000

MR DAKSHESH MEHTA for Petitioner No. 1

MR BD DESAI, Ld. AGP for Respondent No. 1-2

NOTICE SERVED for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 23/08/2004

ORAL JUDGEMENT

1. Rule. Mr.Desai, learned AGP appears for the

respondents and waives service of rule. With the consent of the parties the matter is taken up for final hearing today.

2. When the aforesaid matter was taken up on 23-2-2001, following order was passed:

" Learned counsel appearing in this matter submitted that they are involving a similar question which is involved in Special Civil Application No.2249 of 2000 and allied matters. It is further submitted that the group of matters have already been heard by this Court (Coram: J.N.Bhatt, J.) wherein judgement is awaited as it is CAV.

2. In view of this, office is directed to place this matter after judgement in the aforesaid group of matters is pronounced."

3. Today, Mr.Mehta, learned Counsel appearing for the petitioner submits that thereafter the decision is rendered by this Court (Coram: J.N.Bhatt, J.) on 6-7-2001 in SCA No.5795/1999 and allied matters. He submitted that as such this petition was required to be placed along with the said group, but as the papers were not traceable the matter was not placed. He submitted that all the issues which are raised in this petition are covered by the judgement dated 6-7-2001 passed by this Court (Coram: J.N.Bhatt, J.) in SCA No.5795/1999 and allied matters. He, therefore, submits that the same view may be taken by this Court.

4. Mr.Desai, learned AGP on behalf of the respondent, has not been able to show any distinguishing feature. It has been further submitted by Mr.Mehta for the petitioner that in spite of the direction given by this Court in the above referred decision, the said direction is not complied with and the Misc. Civil Application is preferred by the petitioners therein and is pending before the Bench of this Court (Coram: J.N.Bhatt, J.).

5. Under the above circumstances, it appears that the contentions which are raised in this petition are concluded by the decision of this Court dated 6-7-2001 in SCA No.5795/1999 and allied matters and the case of the petitioner may also be considered with the aforesaid group of matters in case the matter is not finally considered by the appropriate authority as per the directions given in the judgement. In case the decision

is already rendered in respect to the petitioners therein, the State Government will place the matter before the Committee for considering the case of the petitioner and the case of the petitioner shall also be considered in view of the present facts and circumstances and in accordance with law.

The petition shall stand partly allowed to the aforesaid extent. Rule made absolute accordingly. No order as to cost.

23-8-2004 (Jayant Patel, J.)

vinod